

1 Hon. James L. Robart
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED SPECIALTY INSURANCE
10 COMPANY,

11 Plaintiff,

12 v.

13 HOMELAND INSURANCE
14 COMPANY OF NEW YORK,

15 Defendant.

16
17 No. C18-1846JLR

18 ORDER FOR REMOTE
19 CIVIL BENCH TRIAL

20 The Court orders the following procedures and protocols for a remote trial
21 starting on **Monday, January 11, 2021, at 1:00 p.m.**

22 1. **Trial Format.** The trial format will be remote. The entire trial will take
23 place using the ZoomGov.com platform. The parties, counsel, and witnesses will
24 not be physically present in the courtroom.

25 2. **Public Access.** The public will have access to an audio broadcast of the
26 proceedings via a link published on the court's website.

27 3. **Preparation.** Counsel shall review the tutorials located at
28 <https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJMt9ulM-2>
29 and <https://www.youtube.com/playlist?list=PLQQODreSvdKGJtsgZar9mBDtsuoKAz4dZ>
30 and familiarize themselves with:

- 1 • ZoomGov.com
2 • Box.com
3 • Excerpt of King County CLE on remote bench trials
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5 The parties and counsel are to participate on **Tuesday January 5, 2021, at**
6 **10:00 a.m.** with the courtroom deputy for a technology check. The courtroom
7 deputy will supply the invitation link for those participating.

8 Counsel shall ensure that they and each witness have the hardware, software,
9 data bandwidth, and internet access required to testify remotely based on the
10 minimum system requirements posted at

11 <https://www.wawd.uscourts.gov/attorneys/remotehearings>.

12 Counsel shall also ensure that parties and witnesses have an alternative means
13 of communicating with each other outside the ZoomGov.com platform (*e.g.*, using a
14 cellphone).

15 Counsel shall consider steps to establish a high-speed internet connection
16 (*e.g.*, if possible, a hard-wired connection is generally preferable to a wireless
17 internet connection). Limit internet usage by others during the hearing as this may
18 impact connection speed for the hearing.

19 4. **Record.** The Court will provide a court reporter for the trial and a public
20 link to the audio broadcast of the proceedings. No portion of the hearing shall be
21 recorded or broadcast, in whole or in part, in any fashion, by any participant,
22 witness, or public observer.

23 The parties and counsel agree that they will not record, via audio, video, or
24 screenshot, or permit any other person to record, via audio, video, or screenshot, the
25 hearing or any part of it. The parties and counsel will ensure that each additional
26 attendee at the hearing for which that party is responsible also acknowledges and
 agrees to this prohibition on recording.

1 **5. Witnesses and Participants.** No later than January 6, 2021, counsel
2 shall email the courtroom deputy at Ashleigh_Drecktrah@wawd.uscourts.gov and
3 provide the following for each party, attorney, and witness who will appear
4 remotely:

- 5 • Name
6 • Email address
7 • Phone number
8 • Participant type (party, attorney, or witness)

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10 The courtroom deputy will then supply the invitation link for those
11 participating. When a participant remotely accesses the trial, the participant will
12 first enter a virtual waiting room. The courtroom deputy will admit participants to
13 the virtual court proceeding from the virtual waiting room.

14 Counsel are responsible for notifying witnesses when they are expected to
15 report to the virtual waiting room. Counsel shall have a second witness on call at all
16 times to testify in the event a witness's connection is lost or other technical
17 difficulties arise.

18 Counsel are directed to instruct the witnesses that they are excluded from the
19 trial until they are called. Until a witness is excused and not subject to recall, a
20 witness may not observe, listen to, or otherwise access, through any means, the
21 testimony of other witnesses or other proceedings for this case.

22 During testimony, the witness shall not communicate with anyone other than
23 the Court or counsel. Witnesses may not refer to any documents during their
24 testimony unless and until the witness is directed to do so.

25 **6. Exhibits.**

- 26 A. All exhibits will be uploaded by counsel to the Box.com website
via a link that the courtroom deputy will email to counsel prior to
the trial start date.

- B. Each witness testifying shall have a hard copy of any exhibit they will be expected to use or examine during the trial.
 - C. One hard copy of the exhibits shall be delivered to the U.S. Courthouse at 700 Stewart Street, Seattle, WA 98101 no later than **January 7, 2021 by 4:00 p.m.**
 - D. The witness will not access the exhibits until instructed by examining counsel.
 - E. Counsel shall certify that exhibits uploaded and the exhibits produced in hard copy are identical.
 - F. The courtroom deputy will download each exhibit as it is admitted to create the Court's official record of original admitted exhibits.
 - G. Two copies of the depositions expected to be used for impeachment or trial testimony shall be delivered to the Seattle courthouse under seal no later than **December 30, 2020 by 4:00 p.m.**
 - H. The parties must comply with LCR 32 for the use of depositions at trial, including video depositions.
 - I. The Court shall be notified if a video deposition is to be used as substantive evidence and whether it will be played during the course of the trial or simply provided to the Court in advance of the trial date for review. If it will be used during trial, counsel shall be prepared to broadcast the video deposition via ZoomGov.com using the screen sharing function.

7. Professionalism During the Trial.

- When the Court, counsel, or a witness is speaking, please avoid interrupting the speaker.

- 1 • Upon admission to the ZoomGov.com platform, participants
2 shall mute their microphones and activate microphones
3 when directed by the Court (*e.g.*, a witness shall activate the
4 microphone when testifying as shall the examining and
5 defending attorneys during witness testimony).
- 6 • All participants who are not actively being questioned as a
7 witness, asking questions of a witness, defending a witness,
8 or providing or responding to opening statements, closing
9 arguments, or other arguments, shall maintain their audio on
10 mute to limit potential interruptions. The video hearing host
11 will also have the ability to mute and unmute any participant
12 if needed.
- 13 • Any participants using multiple devices in a single
14 workspace to access the trial should avoid audio feedback
15 issues by, *e.g.*, only using the microphone and speakers on
16 one device at a time, or utilizing headphones.
- 17 • To the extent possible, remote trial participants should
18 conduct themselves in the same way they would if they were
19 physically present in a courtroom. Remote participants
20 should silence electronic devices other than devices
21 necessary to remote participation, and generally take steps to
22 minimize anything in their remote workspace that would
23 distract from the integrity of the proceedings. The Court
24 understands that conducting trial from one's home, for
25 example, presents many challenges. The Court asks all
26 remote participants to do their best to maintain
 professionalism in order to conduct a fair and efficient trial.

1 B. Objections:

- 2 • When an objection is made, the witness shall stop talking
3 and let the Court rule on the objection.

4 C. Disconnection:

- 5 • In the event that the Court, a party, counsel, a witness, or
6 anyone else necessary to the proceedings becomes
7 disconnected from the remote trial, the trial will stop while
8 the connection is reestablished.
9 • Counsel must ensure that a witness has an alternative means
10 of communicating with counsel (*e.g.*, a cellphone) in the
11 event of disconnection.

12 D. Appropriate Dress:

- 13 • Parties, witnesses, and counsel are to dress in the same
14 manner as they would in a live courtroom.

15 E. Screen Names:

- 16 • When remotely accessing the trial, remote participants
17 should ensure that their screen name indicates their actual
18 name.

19 DATED this 7th day of December, 2020.

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26 The Honorable James L. Robart
 U.S District Court Judge